THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.24362 OF 2006

DATED: 10-07-2007

BETWEEN

Reddy Radhakrishna @ Radha,
S/o. Veeraswamy, Occ: Business,
43-11-2, Opp. Apsara Theatre,
Medarpet, Rajahmundry,
East Godavari District.

...PETITIONER

AND

The Superintendent of Police,
East Godavari District at
Kakinada and two others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in opening rowdy sheet against him and continuing the same as illegal and arbitrary.

2. It is not in dispute that the rowdy sheet opened against the petitioner on 04.10.2006 on the file of the I Town (Law and Order) Police Station, Rajahmundry, on the instructions of the Sub-Divisional Police Officer, is extended from time to time and is valid up to 31.12.2007. It is also not in dispute that a case in Cr.No.361 of 1997 under Sections 448, 506, 324 read with Section 34 of the Indian Penal Code, registered against the petitioner ended in acquittal on 10.12.1999 and insofar as Cr.No.127 of 1989 registered under Sections 324 read with Section 34 IPC is concerned, the same was compromised vide order in C.C.No.299 of 1989 ended in acquittal on 08.07.1991 on the file of the II Additional First Class Magistrate,

Rajahmundry. It is also not in dispute that two cases are pending against the petitioner, one in Cr.No.8 of 2005 under Sections 417, 465, 466, 468, 477, 420 read with 34 IPC, which is the subject matter of C.C.No.682 of 2006 and another in Cr.No.472 of 2006 under Sections 448, 506(2) read with 34 IPC, which is the subject matter of C.C.No.771 of 2006. As two criminal cases are pending in which charge sheets have been filed and as the cases are posted for trial,

it cannot be sad that opening and continuance of rowdy sheet is illegal and contrary to the Police Standing Orders.

3. Under order 601 of the Andhra Pradesh Police Manual, Part – I, Volume – 2, a person can be classified as a rowdy and a rowdy sheet may be opened against him if he attempts to commit or abets commission of offence involving breach of peace, disturbance to the public order. Once a rowdy sheet is opened, it can be continued under Order 602-2 by the SP/DCP/ACP, if they are of view that the activities of such rowdy sheeter is prejudicial to the maintenance of public order or one affecting peace and tranquility in the area. In the instant case, as two cases are pending against the petitioner, it cannot be said that the rowdy sheet opened against the petitioner is illegal and arbitrary.

The writ petition is accordingly dismissed. However, this order will not preclude the petitioner to make a representation before the second respondent, as and when at least one of the two pending cases end in acquittal, to discontinue the rowdy sheet and if any such representation is received, it is for the second respondent to consider and pass appropriate orders in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

July 10, 2007
DSK